

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

BUNKERS INTERNATIONAL
CORPORATION

Plaintiff,

v.

CARREIRA PITTI, P.C.

Defendant,

and

TLDS, LLC

Garnishee.

Civil Action No. 1:11cv803

PROCESS OF MARITIME GARNISHMENT

TO: THE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF VIRGINIA,
GREETINGS:

WHEREAS, Plaintiff BUNKERS INTERNATIONAL CORPORATION filed a Verified Complaint in the United States District Court for the Eastern District of Virginia on July 15, 2011, with a claim against Defendant CARREIRA PITTI, P.C. in an amount of at least \$34,245.54, plus contractual interest running from June 15, 2010 to the date of judgment at the daily rate of \$22.5176, plus contractual attorneys fees and costs, plus all other fees and costs as provided in the parties' contract, together with interest, costs of suit and attorneys fees, with a prayer for process to attach Defendant's tangible and intangible personal property, in an amount up to at least \$50,000, accompanied by a Verification pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure stating that, to the best of affiant's knowledge, or on information and belief, the Defendant cannot be found within the District, together with a Motion for Issuance of Process of Maritime Attachment and Garnishment, and

WHEREAS, the Court reviewed the Verified Complaint and Verification and found that the conditions of Rule B appeared to exist and entered an Order so stating and authorizing the issuance of process of maritime attachment and garnishment;

NOW THEREFORE, we hereby do empower, strictly charge and command you, the said Marshal, (1) to cite and admonish Defendant if it be found in your District, to appear before the

United States District Court for the Eastern District of Virginia, Alexandria Division, at the Albert V. Bryan United States Courthouse, 401 Courthouse Square, Alexandria, VA 22314, within the time prescribed by law, then and there to answer the aforementioned Verified Complaint, and to make their allegations in their behalf; and if the Defendants cannot be found in the Eastern District of Virginia, (2) to cause service to be made on such garnishees or their agents in this District holding property including accounts defendant CARREIRA PITTI, P.C., garnishing any tangible or intangible personal property, which belongs to, is the property of, is held in a fiduciary capacity for, or is otherwise claimed by Defendant, in an amount up to \$50,000.

We do further hereby empower, strictly charge and command you, the said Marshal, to instruct Garnishee, and its agents, to maintain custody and possession of the tangible personal property, including, but not limited to any accounts, which belong to, is the property of, is held in a fiduciary capacity for, or is otherwise claimed by Defendant and having served the warrant to make due and prompt return.

We do further hereby empower, strictly charge and command you, the said Marshal, to execute this writ by leaving with the Garnishee a copy of the complaint and process requiring the Garnishee to answer as provided in Rule B(3)(a) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; or you may accept for payment into the registry of the Court the amount owed to the extent of the amount claimed by Plaintiff with interest and costs.

We do further empower, strictly charge and command you, the said Marshal, to notify the Defendant and Garnishees as follows:

- (1) A foreign attachment and garnishment has been filed pursuant to Rule B of the Supplemental Rules of Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure against CARREIRA PITTI, P.C., Defendant in this action;
- (2) Garnishees are required to file with the Clerk of the United States District Court for the Eastern District of Virginia, with copy to the Plaintiffs' attorney, Timothy P. Bosson, Simms Showers LLP, 305 Harrison Street SE, Third Floor, Leesburg, VA 20175, within twenty (20) days from the service of this Writ, a report, under oath, setting forth in detail all debts owing by Garnishees to Defendants; all property of Defendants in the possession, custody or control of Garnishees or to which the Garnishees hold legal title; all property which is held by Garnishees as fiduciary in which the Defendant has an interest; and whether any property attached is immune or exempt from attachment; unless, if intangible property is attached, Garnishee provides to the Marshal for payment into the registry of the Court the amount owed to the extent of the amount claimed by Plaintiff with interest and costs, in which event Garnishee shall not be required to answer;
- (3) Garnishees are required to promptly forward a copy of this Writ to Defendant;

- (4) Defendant is required to file with the Clerk of the United States District Court for the Eastern District of Virginia, with copy to the Plaintiff's attorney, Timothy P. Bosson, Simms Showers LLP, 305 Harrison Street SE, Third Floor, Leesburg, VA 20175, within thirty (30) days of service of this Writ, an answer to Plaintiff's Verified Complaint.
- (5) A hearing of any objections which might be raised by Defendant, or the Garnishees herein, under Rule E(4)(f) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure may be scheduled by calling the case manager of the United States District/Magistrate Judge in this case.

Witness, the Honorable Judge of the United States District Court for the Eastern District of Virginia, this __ day of _____, 2011.

United States District Court for the
Eastern District of Virginia

By: _____
Deputy Clerk